APPENDIX

The 18-Year History of School Desegregation Litigation in Los Angeles

Minority students in the LAUSD brought this action in 1963, a few months after the California Supreme Court ruled in **Jackson v. Pasadena City School District**, 59 Cal.2d 876, 382 P.2d 878, 31 Cal.Rptr. 606 (1963), that the state constitution requires California school boards to take all reasonable and feasible steps necessary to end racial segregation in the public schools, regardless of the cause of that segregation. After a five-year delay, while petitioners sought unsuccessfully to persuade the Board to begin desegregation on its own, [1] and following eight

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[1] See **Crawford v. Board of** (continued)

months of hearings, the trial court entered its findings of facts and conclusions of law in May 1970. J.A. 5.

The court found that the Board "has . . . since at least May of 1963, knowingly, affirmatively and in bad faith . . . by and through its affirmative policies . . . and practices, . . . segregated, de jure its students." **Crawford** I, 17 Cal.3d at 288; J.A. 42. It found that minority schools in Los Angeles were pervasively segregated and inferior, 17 Cal.3d at 289; J.A. 36, 37, 39, 51 [2/] , that the segregation was

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Education, (**Crawford** I) 17 Cal.3d 280, 287, 551 P.2d 28, 130 Cal.Rptr. 724 (1976); Report of the United States Commission on Civil Rights, A Generation Deprived, Los Angeles School Desegregation 7-8 (May 1977); J.A. 323.

[2/] The court held the Board accountable for willfully failing to (continued)

substantial and increasing, 17 Cal.3d at 287; J.A. 19-30, and that despite knowledge of these facts, the Board had refused even to begin planning for desegregation. 17 Cal.3d at 288; J.A. 46-47. (Instead, the Board had contended that it had no constitutional duty to remedy the existing segregation, 17 Cal.3d at 289-90, and that the financial costs of desegregation outweighed any possible educational benefits. 17 Cal.3d at 288; J.A. 46.) The trial court ordered the Board to

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"ma[k]e available to all its pupils equal educational opportunity." J.A. 51.

The court also found "not true" the "Board's . . . position" that "the educational abilities of the Negroes and Mexican-Americans are inherently or genetically inferior to the Whites." J.A. 94-95.

adopt and implement a desegregation plan. 17 Cal.3d at 289; J.A. 134.

The appellate process following the trial court's decision ended in 1976 with the California Supreme Court's ruling in **Crawford** I, unanimously affirming the lower court's judgment. 3/ Like the trial court, the Supreme Court left the development of a suitable plan to the Board. It indicated, however, that mandatory reassignment might be required to fulfill the constitutional mandate to desegregate minority segregated schools. 4/

3/ The Supreme Court disagreed with the trial court in only one respect, holding that its definition of a segregated school was overly rigid. 17 Cal.3d at 303-04.

4/ "[I]n some circumstances busing will be an appropriate and useful element in a desegregation plan." 17 Cal.3d at 309.

On remand, after 12 weeks of hearing testimony, the trial court rejected the Board's first proposed desegregation plan [5] on the grounds that "it does not

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[5] The plan relied upon voluntary options, except for one mandatory provision that brought together children in a minimum of 50 elementaries each school year for 10 days of shared field trips in grades 1 through 3, and for approximately 3 months of shared partial-day instruction at neutral sites in grades 4 through 6. Exhibit A; 1 R.T. 24 (3/23/77). The principal voluntary component was a oneway busing program called Permits With Transportation (PWT) that in operation transported minority students to white campuses for bus rides of up to 1-1/2 hours one-way at three times the cost of usual district transportation. J.A. 160.

The court specifically found that the Board's first plan

> was hastily conceived as a reaction to the implications of the CACSI plan and that no effective in-depth study was made of the effect of the plan upon segregated schools of this district, nor any cost/benefit analysis made of the plan, nor any alternative plans seriously

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desegregate any school in the district and even [if it did], it would reach so few of the 231 segregated minority schools as to be wholly ineffective in desegregating this district." Minute Order of July 5, 1977, J.A. 147-48. The court held the plan unconstitutional and directed the Board to prepare a new one within 90 days. J.A. 162.

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considered.
J.A. 161.

The CACSI (Citizens' Advisory Committee on Student Integration) plan was developed by a community-based group which had been established by the Board for the stated intent of obtaining broadly-grounded recommendations and support for district desegregation. Exhibit A, supra. The plan returned by the CACSI group utilized among other techniques mandatory reassignment to desegregate most of the district's minority segregated schools. Immediately after receipt of the plan, the Board disbanded and defunded the group. See generally A Generation Deprived, supra, at 20-54.

During the hearings on the first plan, several Board witnesses testified that some mandatory reassignment of students would be necessary for effective desegregation. 6/ The Board's

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6/ Deputy Superintendent (now Superintendent) Dr. Harry Handler's conclusion was representative:

> Q. Mr. Handler, there is no question in your mind, sir, is there, that some type of mandatory program is necessary in the L.A. Unified School District in order to reduce, let alone eliminate, segregation now existent in many of the L.A. schools, is that true, sir?
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> A. It is my opinion that a degree of mandatory activity would be required in the Los Angeles Unified School District.
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> 3 R.T. 335; 3/25/77.

The Board had expressed the same opinion seven years earlier, in its brief filed with the state Court of Appeal on appeal from the 1970 judgment:

> Another question that should be answered is whether a compul-

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second plan, Plan II, reassigned some students in a limited number of schools in grades 4 through 8, but primarily relied upon so-called "voluntary" techniques, like magnet schools and Permits With Transportation (PWT). The trial court, finding that the plan

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sory integration program can be effectively implemented in only a part of the district.

> All witnesses who addressed themselves to this question seemed to agree that to be effective an integration plan must (1) prescribe racial quotas and balances; (2) it must be mandatory -- not voluntary or permissive; (3) it must be at least districtwide in effect, and preferably it should include school districts surrounding the Los Angeles Unified School District; and (4) it should be accomplished by supportive services to promote beneficial interaction between the mixed racial groups.

Brief of Appellant, 2d Civil No. 37750, Point XI, p. 135.

"[p]atently . . . does not comply with th[e] [**Crawford**] standard," J.A. 172, permitted the Board to go forward with it as "an important initial step toward . . . eventual compliance . . . ." but required the Board to submit appropriate modifications and amendments at a later date. Minute Order of February 7, 1978, J.A. 173. The trial court also appointed eight experts on school desegregation -- social and political scientists -- to study and report back to the court on questions including the need for improved voluntary provisions or mandatory reassignment to desegregate minority schools and for "any additional provisions against resegregation by reason of white flight." J.A. 176.

In late August and early September, 1978, both intervenor Bustop, a San

Fernando Valley-based organization, and the respondent Board tried to block implementation of the mandatory portion of the Board's Plan II. The California Supreme Court [7] and Justices Rehnquist and Powell [8] refused to do so, and the plan went into effect in September 1978. The mandatory portion of the plan involved only a small fraction -- about

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[7] On August 31, 1978, Bustop obtained from the Court of Appeal a writ of supersedeas staying implementation. **Bustop v. Superior Court**, (2d Civil No. 54392). Petitioners then petitioned the state Supreme Court to overturn the stay. On September 5, 1980 the Board filed papers joining Bustop to request that the Court continue the stay (Board Memorandum in L.A. No. 31018; 57 R.T. 8512-8513). Petitioners' petition was granted the following day, and the stay was lifted.

[8] **Bustop, Inc. v. Board of Education**, 439 U.S. 1380 (1978) (Rehnquist, J. Circuit Justice); **Bustop Inc. v. Board of Education**, 439 U.S. 1384 (1978) (Powell, J., Circuit Justice).

seven per cent -- of the district's total enrollment. 9/

Two months later, in November 1978, the court's desegregation experts submitted their reports. They agreed that mandatory reassignment was necessary for effective desegegation in Los

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9/ Within the participating grades, mandatory desegregation reached only 165 schools (148 elementary; 17 junior high; 29% of the district's 563 schools); and only 41,084 students (14,719 white students, 26,365 minority students; approximately 7% of the district's total enrollment of 547,546 students, 9% of the district's 161,925 white student population, and less than 1% of the district's minority student population). Among those excluded from the board's plan were approximately 262,000 students attending 204 minority segregated schools, and approximately 65,500 students in non-participating grades who attended schools in the mandatory program. Plan II also sent nearly 19,000 minority youngsters to white campuses on bus rides longer than those within the mandatory program, as part of its one-way (99.9% minority), voluntary PWT program. Source: LAUSD figures.

Angeles and that ultimately, long-term desegregation for Los Angeles required interdistrict (metropolitan) relief. 10/

In March 1979 the Board returned a seven-volume reply to the trial court's request for improvements and modifications to Plan II to achieve greater

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10/ The experts also agreed that voluntary programs like PWT have adverse effects upon minority students and their communities, and should only be employed after mandatory options have been exhausted (e.g. Exhibits II-359 (pp. 4951, 100), 360 (pg.100) 553 (pp.29-30;47) (80 R.T. 11624); that a mandatory program would not significantly affect the already-existing demographic decline in the district's white student population (e.g. Exhibits II-354 (pp. iv, vi, 38, 44, 45, 359, (pg. 18), 553 (pg. 39) (80 R.T. 11624)); and that by limiting its mandatory program to grades 4 through 8 the Board had retarded public acceptance of desegregation and had otherwise denied important benefits of desegregation to the district's students (e.g. Exhibits II-358 (pg. 97), 359 (pp.51-52, 95), 360 (pp. 46-47, 49-51), 553 (pp.16-20, 82, 148, 152, 153, 162)) (80 R.T. 11624).

desegregation. Response to Court Order of February 7, 1978, 33 C.T. 9830. Its new Plan III continued to rely upon mandatory reassignment but reduced the number of schools participating in the mandatory portions of the program. Neither new grades nor new schools were added.

School board elections were held in June 1979. Three members of the seven-member Los Angeles Board who had supported Plan III left office. One of them, Board President Howard Miller, was recalled. J.A. 256. All three were replaced by members who had campaigned for an end to mandatory reassignment. 56 R.T. 8254-55. The new majority promptly voted to endorse Proposition 1 on the upcoming November ballot. See 57 R.T. 8516-17; J.A. 555-57. The new majority also voted to withdraw Plan

III's proposals for mandatory desegregation and to seek court approval for an all-voluntary plan, which had not yet been developed. [11] Hearings on the

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[11] Associate Superintendent for School Integration Phil Jordan, who organized and coordinated all staff efforts regarding desegregation, testified at the subsequent trial that prior to September 24, 1979 -- the date of the Board's vote to withdraw its mandatory proposal -- his office had undertaken none of the preliminary steps that would reasonably precede such a change in intent and direction. Jordan stated that between February 1978 (the date of the court's order giving temporary approval to Plan II pending further board efforts) and September 24, 1979, he had never discussed with any board member, School Superintendent William Johnston, or any of Johnston's top level staff the subject of the design and implementation of an all-voluntary program to replace what was then the district's present mandatory plan. 56 R.T. 8211, 8213-14; 55 R.T. 8204. Neither Jordan nor his office was requested to analyze, nor did they analyze, the relative capabilities of voluntary and mandatory programs to desegregate the district or to reduce white loss from implementation of a plan. 55 R.T. 8196-97, 8204.
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Board's new proposal began in October 1979 and continued into April 1980, 12/ with the Board now contending -- for the first time in this litigation -- that

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Jordan also described a Board meeting of August 27, 1979 at which two motions were passed with respect to the then ongoing Board mandatory program. The first directed Board counsel to seek on October 15 discontinuation of all junior high reassignment as soon as possible; the second . directed counsel to seek termination of any bus route in the mandatory program which ran 60 minutes from first pickup to the start of school, regardless of whether (or how many) children on the identified routes actually travelled for as long as an hour. 56 R.T. 8233-38; Exhibit 375. Staff analyses calculated that these motions, taken together, proposed the removal of 35,000 of the between 38,000 and 40,000 students then participating in the mandatory plan. Two weeks before the beginning of school year 1979-80 (Plan II, year 2), the Board had thus acted to take apart its mandatory program.

12/ The Board did not actually complete and file its proposed all-voluntary plan (Plan IV) until November 16, 1979, nearly a month into the ongoing hearings.

only a voluntary desegregation plan could work in Los Angeles. 13/

The main dispute during the lengthy hearings was thus whether the Crawford mandate could be satisfied by resort to an all-voluntary program, or whether an acceptable plan had to contain among its various elements at least some mandatory reassignment.

In orders issued on May 19 and July 7, 1980, the court rejected the Board's new arguments. 14/ It concluded

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13/ See, e.g., Remarks of Board counsel David Peterson, 1 R.T. 5A.

14/ The July 7 Order made final (with certain modifications) the court's May 19 intended order. On that earlier date, the court had entered its three-page Proposition 1 ruling, Cert. Pet. App. 76A. The order denied motions made by Bustop and the Board on November 15, 1979, to eliminate all portions of desegregation orders requiring mandatory reassignment, holding that the amendment, "even if constitutional, [did] not (continued)

instead that an all-voluntary program would desegregate no minority schools within Los Angeles, could not reasonably be expected to do so, and would place grossly disproportionate burdens on the district's minority children. The court held that the Board's all-voluntary plan "treat[ed] minority children with less concern than other children in the district," unreasonably and unrealistically relied entirely on voluntary desegregation by children and parents, and failed to show any commitment by the Board "to produce meaningful progress in the desegregation of the district's minority schools. . . ." J.A. 321. 15/

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change the terms of the mandate . . . as that mandate and the federal obligations under federal case law are not inconsistent and require identical remedies." Cert. Pet. App. 79A.

15/ The court also found: (continued)

Although the Board relied upon the

FINDINGS OF FACT

30. That the plan of the respondent depends exclusively upon voluntary transfers of both white and minority children, requested and initiated by the parents of those children. That the respondent does not expect to desegregate minority schools by this plan, but to provide a desegregated experience for some minority children.

31. That the history in this district of voluntary compliance with the mandate is one of failure in desegregating minority schools. That any success which may have been achieved is within its PWT program, which program is used exclusively by minority children to transfer on a daily basis from their minority schools to white schools, thus resulting in no desegregation of minority schools. That the history of magnet schools has also been one of failure to desegregate minority schools and has shown only limited promise in the creation of new desegregated schools.

32. That the all-voluntary plan proposed by the respondent (continued)

refusal of white parents and students to

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board holds no promise of meeting the mandate in the desegregation of minority schools.
J.A. 459-60.

The trial judge's findings were strongly supported by the evidence. Court-appointed expert Dr. Gary Orfield, a professor of political science at the University of Illinois who has researched and published extensively in the area of school desegregation, testified that it was "extremely unlikely" that board's all-voluntary proposal would desegregate any minority schools in the district. 64 R.T. 9169. He stated without contradiction that an appropriately drawn and administered mandatory program could desegregate minority schools given the results consistently obtained in other communities where such programs had been judicially ordered (including many large urban centers and communities where racial hostilities were especially intense). 65 R.T. 9359-65.

See also testimony of Drs. Christine Rossell 66 R.T. 9475-9550; Gordon Foster 82-83 R.T. 11798-959; Michael Stolee, 78 R.T. 11234-392; and results of computer simulations of voluntary and mandatory plans, Exhibit 202, p.392 (85 R.T. 12135) and 65 R.T. 9302-11, 9444-45, 85 R.T. 12,176-199, 12,202-08, 66 R.T. 9581-83.

Attendance figures for school years 1978-79 and 1979-80 demonstrated that (continued)

participate in Plan II to support its

magnet programs established under Plan II had uniformly failed to attract white students to minority campuses, even though the programs were concededly high quality and well-publicized, and students not electing to enter magnets would in most instances be required to participate in the mandatory program. Minority enrollments at magnet schools previously 95-100% minority remained in that range. See Exhibit 394, 5 R.T. 662. See the following enrollment figures at minority campus magnets:

SCHOOL	% MIN 1978	% MIN 1979
Fremont	100	99
Belvedere	100	98
102nd St.	100	100
93rd St.	---	100
Markham	---	100
Dublin	99	100
107th St.	98	100
Riggin	98	95
111th St	96	99
El Sereno	100	96
Griffith	91	93
Ambler	89	82
32nd St.	82	84
Fillmore	---	82
Peary	77	86
Stevenson	76	84
Amestoy	---	79
Figueroa	---	79

Source: Exhibit II-394.

Review of the operation of the (continued)

contention that mandatory desegregation

Board's Permits with Transportation program (PWT) was to the same effect. Heavy recruitment of white students had not succeeded in changing the program's one-way character; only 323 of the 18,674 participants (1.7%) electing to leave their neighborhood schools in school year 1979-80 were white. Exhibit 79, 29 R.T. 4419. Moreover, the court found that PWT in Los Angeles had caused significant harm to participating minority students and their sending schools, and ought properly be utilized only where no other desegregation options were available:

> There are usually only disadvantages to the [PWT] sending school and few advantages. The minority sending school remains segregated. There is no history of a reverse PWT influx into sending schools by white students. PWT in most instances by its very nature drains many bright and highly motivated children from their resident schools to the detriment of those schools. . . .
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> * * *
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> The minority child's PWT experience does not remove the stigma attached to the sending school or the stigma to the child of going from that sending school who

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would not work in Los Angeles, J.A. 356,

> understands that the school he would normally be assigned to would be all-minority school were it not for his own effort to leave that school. Further, it is often the case that the PWT minority child is accorded a second class status in the receiving school in that he is continually subject to the threat of having his attendance at that school discontinued for disciplinary reasons when that sanction would not be applied to the resident student. The PWT student, by his participation, is placed in a setting which is his not by right but by permission. The inequality of treatment of the minority child in that situation is clear.
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> J.A. 345-46.

See also Exhibit II-363(14) (84 R.T. 12099) "Permits With Transportation: Additional Analysis and A Follow-up Report," Fourteenth Report of the [court-appointed] Monitoring Committee, February 28, 1980, pp. i-vi, pp. 74-90 (PWT program deprives minority schools of higher academically achieving students who display better relationships with teachers, stronger leadership qualities, and more positive self-images).

the trial court found that white non-participation was exacerbated by the Board's unequal treatment of the parents and children involved. J.A. 359. In the court's opinion, the Board's administration of the plan "led as much to the dissatisfaction of the white community with the board's desegregation plan as any single other factor. . . ." J.A. 358. 16/

16/ Nonetheless, the mandatory components of Plan II substantially reduced racial segregation at many minority schools. See the following comparison of enrollments in participating grades at certain minority schools under Plan II with estimated enrollments in the same grades at the same schools without Plan II:

SCHOOL	% MIN 1979-80	% MIN (if no mand. plan)	DIFF
Windsor Hills	59	99	40
Coliseum	63	100	37
Baldwin Hills	66	100	34
Cahuenga	56	90	34
San Fernando	66	98	32
Multnomah	67	99	32
Queen Anne	68	98	30

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Having determined that meaningful desegregation of Los Angeles' minority schools was not possible with an all-voluntary program, the court developed guidelines for a constitutionally-acceptable plan. J.A. 425, 433-51. It divided the district into eleven areas, and directed the Board to work with school, parent and community groups to form individual plans to desegregate minority schools in seven of the areas. 17/ J.A. 434, 436. The court

Braddock	59	89	30
Bushnell	56	85	29
Atwater	48	77	29
Park Western	55	83	28
Van Nuys	48	76	28
Haddon Ave.	61	87	26
Allesandro	64	86	22
Fenton	68	90	22

Source: Exhibits 11-C and 11-I, 4 R.T. 456.

17/ The guidelines provided that mandatory reassignments could not cross area boundaries, thereby limiting (continued)

left the Board free to devise its own plans, requiring only that mandatory techniques be used to desegregate not less than 85% of the involved schools in each area. J.A. 438-39.

But the Board resisted the remedial portions of the court's July 7 Order; it would submit no proposals that relied upon mandatory student assignment. The trial judge then entered a further remedial order on August 25, 1980, which defined the area plans to be implemented at the start of school. J.A. 499. The Court of Appeal later ordered modification of the trial court's plans,

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maximum travel times to between 20 and 25 minutes. The four areas excluded contained most of the minority segregated schools, among them the district's most severely segregated and inferior minority schools, and were located in the community's most identifiable black and Hispanic areas. See J.A. 431, 444.

reducing the number of areas where some desegregation would occur from seven to six, and replacing the trial court's multi-ethnic definition of a desegregated school with a definition requiring rough equivalence in numbers between whites and combined non-whites. J.A. 505.

The Board filed a petition with Justice Rehnquist to enjoin the mandatory portions of the court's program just before school began in September 1980. The petition was denied. [18] As with Plan II, the court's program affected only a very small proportion of the district's enrollment. [19]

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[18] See **Board of Education of City of Los Angeles v. Superior Court**, 488 U.S. 1343 (1980) (Rehnquist, J., Circuit Justice).

[19] The mandatory components (continued)

Both the Board and the petitioners [20] appealed the trial court's orders. The Court of Appeal bifurcated the appellate issues, separating Proposition 1 from the others. J.A. 543.

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involved only 153 schools (144 elementary; 9 junior high; 22% of the district's 685 schools), and only 57,649 students (21,517 white students, 36,132 minority students; less than 11% of the district's total enrollment of 534,712 students, 15% of the district's 127,281 white student population, and less than 9% of the district's minority student population). Excluded from the court's plan were over a quarter of a million minority students attending 264 minority segregated schools. Voluntary components of the plan involved about 30,000 students, 15,000 students in magnets, and 15,000 minority PWT participants. (Figures obtained from the District's Public Information Office, testimony of Theodore Alexander, Assistant Director of Integration Planning and Management, July 28, 1981 (R.T. 1090) and the 1980 Racial and Ethnic Survey.)

[20] Petitioners appealed inter alia from the trial court's exclusion from its desegregation plan of large geographic areas containing the district's most racially isolated and segregated schools.

On December 19, 1980, prior to completion of briefing on the non-Proposition 1 issues, the Court of Appeal issued its opinion reaffirming the Board's duty to desegregate the LAUSD schools under the state constitution and the **Crawford** I mandate, upholding the constitutionality of Proposition 1 on its face and as applied to this case, and vacating the trial court's orders of May 19 and July 7. [21] **Crawford v. Board of Education**, 113 Cal.App.3d 633, 170 Cal.Rptr. 495 (1980).

Petition for rehearing was denied by the court on January 14, 1981, and the

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[21] The Court of Appeal also held that the 1970 findings of the trial court were insufficient to support a holding of de jure segregation. **Crawford II**, 113 Cal.App.3d at 649, 170 Cal.Rptr. at 506.

California Supreme Court denied petitioners' petition for a hearing on March 11, 1981, Cert. Pet. 72A, 73A.

Shortly after the state Supreme Court's denial, on March 16, 1981, the Board voted 5-1 (with the only minority member, Rita Walters, in opposition) to permit students then assigned for desegregation to return to their neighborhood schools for the final nine weeks of the school year. Approximately 7,000 of the 23,000 students eligible to choose this option did so, and their return resulted in resegregation of some minority schools. At the beginning of the 1981-82 school year all mandatory reassignments had of course terminated, all minority schools that had been desegregated under the court's plan were resegregated, and other minority schools

whose levels of racial isolation had been substantially reduced returned to their prior levels of racial isolation. [22/] Several minority schools also

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[22/] According to Theodore Alexander, Assistant Director of the Integration Planning and Management Office, dismantlement of the mandatory components of the court's plan created 57 new minority segregated schools. R.T. 1091-92, July 28, 1981. Compare also the following percentages of minority students enrolled in minority schools under the court's 1980-81 plan and under the Board's 1981-82 plan:

School	1980-81 % Min. Actual Enr'lmt (Participating grades in court's mandatory plan)	1981-82 % Min. Actual Enr'lmt After Dismantling
O'Melveny	56	98
Windsor Hills	61	95
Baldwin Hills	66	100
Wilshire Crest	61	97
Camellia	54	85
Cahuenga	58	88
Roscoe	51	85
Fenton	60	92
Coliseum	71	94

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became overcrowded again because of the

Morningside	59	91
San Fernando	68	99
Noble	48	74
Hart	44	72
Haddon	70	98
Montague	61	90
Vaughn	74	99
Braddock	61	89
Barton Hill	69	93
Pacoima	76	99
Lankershim	55	80
Queen Anne	76	99
Osceola	55	83
54th Street	78	100
Sylvan Park	68	80
Park Western	64	68
Filmore	73	99
Hillcrest	80	100
Hawaiian	76	95
Telfair	80	98
Cienega	82	100
Virginia Road	81	98
Arminta	54	73
El Dorado	56	71
Sharp	77	93
Dayton Hts.	80	95
Cabrillo	55	77
Gridley	52	66
Arlington Hts.	87	99
Van Ness	63	80
Vine	83	85
Crescent Hts.	75	77
Playa Del Rey	69	72
Richland	73	71
Canfield	63	66

Source: LAUSD 1980-81 Racial and Ethnic
(continued)

return of students who had been assigned to other schools under the desegregation program.

On remand, the case was assigned to a new Superior Court judge. The Board filed another all-voluntary plan (Plan V), essentially identical to its prior submission. 23/ On September 10, 1981, the court held that the Board had satisfied the mandate "in light of the opinions" expressed by the Supreme Court in **Crawford I** and the Court of Appeal in

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Survey; LAUSD Preliminary Racial Ethnic Survey, Oct. 1981.

23/ The Board stated in papers filed with the court that Proposition 1 and **Crawford II** (the judgment now before this Court) prohibited court-ordering of mandatory reassignment absent a finding of a Fourteenth Amendment violation. See e.g., "Respondent's Statment of Issues Remaining To Be Decided," p. 2 (3/30/81); "Respondent Board of Education's Statement Of The Present Status Of The Case," p. 4 (5/4/81).

Crawford II, discharged the writ and retained jurisdiction of the case only for the purpose of awarding attorneys' fees. 24/ Petitioners filed a notice of appeal from this ruling on October 22, 1981 to the Court of Appeal.

The Board's voluntary plan went into effect with the start of school on September 15, 1981. 25/

24/ "Order Re Final Approval Of School Board Desegregation Plan And Discharge Of Writ Of Mandate," pp. 7-8.

25/ Percent minority enrollments at minority schools that participated in the court's 1980-81 plan are listed for fall, 1981 under the Board's plan in note 22, supra. As the following chart demonstrates, Plan V also failed to reduce the racial isolation of minority magnet campuses:

SCHOOL (Grades) Magnet Program	% MINORITY ENROLLMENT 1981-82
102nd Street (4-6) fund.	100
93rd Street (4-6) (continued)	100

Markham (7)	100
Dublin (1-6)	100
fund., car awar	
107th Street (4-6)	100
fund.	
Riggin (4-6)	96
bil/mult	
111th Street (4-6)	99
gifted	
Audubon (7-9)	99
gifted	
Drew (7-9)	100
Fremont (10-12)	100
math/sci	
Belvedere (7-9)	99
bil/mult	
El Sereno (4-9)	97
fund.	
El Sereno (7-9)	88
gifted	
Russell (1-6)	93
gifted	
Stevenson (7-9)	71
gifted	
Figueroa (1-6)	98
gifted	
Griffith (7-9)	88
math/sci	
Hillcrest CES (1-6)	81

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Peary (7-9) fund.	77
Filmore (4-6) fund.	66
Ambler (1-6) gifted	81
32nd Street (1-6)	73
Sierra Park (1-6) gifted	81
Amestoy (K-4)	64
Banning CIP	80
Dorsey CIP	100
Figueroa (1-6) gifted	98
Franklin CIP	79
Jordan Tech Occup.	99
Lincoln Med. Health	97
Manual Arts HCI	99
San Fernando CIP	81
Washington Com. Arts	100
Washington Math/sci.	100

SOURCE: Preliminary Racial Ethnic Survey, Oct. 1981